

SETH GINSBERG
ATTORNEY AT LAW

September 16, 2013

Honorable Dora L. Irizarry
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Rudaj, et al., 11-CR-486 (DLI)

Dear Judge Irizarry:

The Court is currently scheduled to sentence Robert Rudaj on October 11, 2013. With the government's consent, we request that the Court convert the scheduled sentencing to a status conference. The reason for this request is that we are currently in discussions with the government regarding the appropriate resolution of objections to the Presentence Report that may require a *Fatico* hearing but which we hope to resolve without need for a hearing. Based on the current schedule, Rudaj's sentencing memorandum is due on September 27, 2013. Given the unresolved issues, however, Rudaj is not prepared to make a sentencing submission. If, prior to the proposed status conference on October 11, 2013, we are able to resolve the outstanding issues in a manner that obviates the need for both a *Fatico* hearing and a status conference, we will alert the Court and request that a new sentencing date be scheduled. The issues involved are important to both parties and we are endeavoring to resolve them appropriately without unnecessarily burdening the Court.

We thank the Court in advance for its consideration of this request.

Respectfully,

s/Seth Ginsberg

cc: Government Counsel (via ECF)
Jaime Turton, Probation Officer (via email)